

## **PART 2 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS I SUBSTANCES (EXCEPT METHYL BROMIDE)**

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## **PART 2 - RECORDKEEPING AND REPORTING INSTRUCTIONS FOR CLASS I SUBSTANCES (EXCEPT FOR METHYL BROMIDE)**

### **2.1 INTRODUCTION**

Part 2 of this Guidance Document outlines industry recordkeeping and reporting requirements for the Stratospheric Ozone Protection Program for class I substances except for methyl bromide (see “*Part 3 - Recordkeeping and Reporting for Methyl Bromide*”).

Producers, importers, essential use holders and laboratory suppliers, exporters, and Article 5 and essential use transferors that deal in ozone-depleting substances (ODS) are required to report periodically on a company-wide basis to EPA and to maintain records. Reports should be sent to the Administrator 45 days after the end of the applicable reporting period, unless otherwise specified. Records and copies of reports should be retained for three years. Quantities of class I substances should be reported in kilograms. Please refer to §82.12 and §82.13 of 40 CFR Part 82 for a description of these general recordkeeping and reporting requirements. A control period calendar is provided in Appendix D.

The following listed reporting forms are *recommended formats* for providing the required information to EPA. Companies may, however, provide the same information in another format if desired.

<u>Title</u>	<u>EPA Form Number</u>	<u>Number of Pages</u>	<u>CFR Number*</u>
<b><i>QUARTERLY REPORTS</i></b>			
Producer Quarterly Report	1432.22-P	3	82.13(f)(3)-(4)
Importer Quarterly Report	1432.22-I	4	82.13(g)(4), 82.13(o-q)
Essential Use Holder and Laboratory and Supplier Quarterly Report	1432.22-EU	5	82.13(s-x)
<b><i>MISCELLANEOUS REPORTS</i></b>			
Laboratory Certification Report	1432.22-L	2	82.13(w)
Notification of Article 5 or Essential-Use Allowance Transfers	1432.22-T	3	82.12(a)(1)
Petition to Import Used Substances	No form	--	82.13(g)(2)-(3)
<b><i>ANNUAL REPORTS</i></b>			
Exporter Annual Report	1432.22-E	3	82.13(h), 82.13(f)(3)(vi and ix)

Annual Report of Second-Party  
Transformation and Second-Party  
Destruction

Form 1432.22-SP

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82.13(k-m)

*\* All citations are from the July 1, 2003 edition of 40 CFR 82.*

The remainder of Part 2 describes the recordkeeping and reporting requirements and provides instructions on how to complete each of the forms listed above.

## 2.2 PRODUCERS OF CLASS I SUBSTANCES

Producers of class I substances are required to report to EPA. The reports require data on a company-wide scale, even though recordkeeping, in most cases, may be done on a facility or plant basis. Section 82.13(f) describes the regulatory requirements for recordkeeping and quarterly reporting of production.

Terms such as “production,” “destruction,” and “transform” are defined in the regulations (§82.3) and reproduced in Appendix E to this guidance document.

### 2.2.1 Recordkeeping Requirements

Section 82.13(f)(2) describes the recordkeeping requirements for producers in detail. These requirements are summarized below.

- Dated records of the quantity of class I substances produced at each facility;
- Dated records of the quantity of class I substances produced for use in processes resulting in their transformation or destruction, as well as those that are imported and sold for this use;
- Dated records of the quantity of class I substances produced for an essential use and quantity sold for use in an essential use process;
- Dated records of the quantity of class I substances produced with Article 5 allowances;
- Dated records of the quantity of class I substances used at each facility as feedstocks, destroyed in the manufacturing of any substance, and introduced into the production process of the same class I substance;
- Dated records of the quantity of raw materials and feedstock chemicals used at each facility for the production of class I substances;
- Dated records of the quantity of each chemical, other than class I substances, produced at each facility producing one or more class I substances;
- Dated records of the shipments of each class I substance produced at each plant;
- Copies of invoices or receipts documenting sales of class I substances resulting in their transformation or destruction;
- The quantity of class I substances, date received, and names and addresses of the source of used materials containing recycled or reclaimed class I substances at each plant;
- Records of the estimated quantity of any spill or release of class I substance that equals or exceeds 100 pounds and the date of the incident(s);
- Transformation and Destruction verification (Internal Revenue Service Certificates in the case of Transformation) certifying the intent to transform or destroy the class I substance or sell the class I substance for transformation or destruction in cases when allowances were not expended;
- Written verifications that essential-use allowances were conveyed to the producer for production of specified quantities of a specific class I substances used only for the named essential use;
- Written certifications that quantities of class I substances were purchased by distributors of laboratory supplies or by laboratory customers to be used only for an essential use laboratory application; and
- Written verifications from a U.S. purchaser that class I substances were exported to an Article 5 country in cases when Article 5 allowances were expended during production.

## 2.2.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of producers (§82.13(f)(3)-(4)).

- *Production using Article 5 Allowances*  
Producers allocated baseline production allowances in §82.6 may produce up to the percent of their baseline allowances, as defined in §82.9, explicitly for export to Article 5 countries for their domestic use. Producers should report the quantity produced for export to Article 5 countries and deduct expended Article 5 allowances from that producer's balance of Article 5 allowances. As explained in §82.13(f)(3)(ix), producers that produce class I substances using Article 5 allowances should provide a list of U.S. entities that purchased those class I substances and exported them to Article 5 countries. In addition, producers should maintain dated records of the quantity of class I substances produced with Article 5 allowances. Appendix C lists Article 5 countries.
- *Production for Global Laboratory Essential Use Exemption*  
Production for the global laboratory essential use exemption should meet the purity criteria specified in Appendix G to Subpart A of 40 CFR Part 82.

Quarterly reports of total quantities produced under the global laboratory essential use exemption should be accompanied by a list of the distributors of laboratory supplies; the laboratories' customers; and the quantity each customer requested during that quarter. In addition, the report should be accompanied by copies of the certifications from distributors of laboratory supplies and laboratories that ordered class I substances (except Group VI, methyl bromide). The certification should state that the class I substance is purchased solely for the laboratory applications and will not be resold or used in manufacturing as required in §82.13(f)(3)(xii).

- *Production Using Essential-Use Allowances Conferred*  
Holders of essential-use allowances may confer to a producer, in a letter, the right to produce a specific quantity of a specified class I substance. The letter should also certify that the class I substance is purchased solely for the specified essential use.

As explained in 82.13(f)(3)(x) through (xi), producers should report quarterly the quantity manufactured for (non-laboratory) essential uses and submit a list of essential use holders from whom orders were placed and the quantity of specific essential use substance requested and produced. In addition, the producer should submit a copy of the letter conferring the right to produce the material and certifying its purchase solely for the specified essential use.

- *Production for In-House or Second-Party Transformation*  
Producers should report quarterly the quantities of class I substances produced for in-house and second-party transformation.

Section 82.13(l) requires a person who purchases class I substances for second-party transformation to provide the producer with an IRS certification of intent to use the substance as a feedstock.

Copies of the IRS certificates of intent to use the class I substance as a feedstock should accompany the quarterly report, whether sold for second-party transformation in the U.S. or for second-party transformation overseas. For each purchaser, *only one copy* of the IRS certification

should be provided during each control period as long as subsequent quantities shipped to that company are listed in each quarterly report.

- *Production for In-House or Second-Party Destruction*  
Producers should report quarterly the quantities of class I substances produced for in-house and second-party destruction.

Section 82.13(k) requires a person who purchases class I substances for second-party destruction to provide the producer from whom they purchased the material with verification that it will be used in a process resulting in its destruction.

Copies of destruction verifications for quantities sold for second-party destruction should accompany the Producer Quarterly Report.

- *Insignificant Quantities*  
The decision of the Parties to the Montreal Protocol to exclude insignificant quantities under certain conditions is implemented by EPA under the definition of "controlled substance" in §82.3 of 40 CFR Part 82.

### **2.2.3 Form Instructions: Producer Quarterly Report (Form 1432.22-P)**

The Producer Quarterly Report has three sections:

- Section 1 – Producing Company Identification
- Section 2 – Company Production Data (company-wide)
- Section 3 – Allowance Expenditure Data

#### ***Section 1 - Producing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Producing Company: Name of the company and the business address of the contact person for the report.
- 1.3 Company Contact Identification: Name, telephone number, and fax number of the company official to be contacted by EPA if there are questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importer Information: Check the appropriate box to indicate the company's status as an importer.
- 1.6 Exporter Information: Check the appropriate box to indicate the company's status as an exporter.
- 1.7 Signature of Reporting Company Representative: The company official who is attesting to the accuracy of the report should complete and sign this section. This person may or may not be the company contact person identified in Section 1.3. The person signing the form should read the "certification" that the information on the form is accurate.

## **Section 2 - Company Production Data**

2.1 Company Name: Name as it appears in Section 1.2.

2.2 Company Production Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Essential Uses (Column B):*

*Global Laboratory Exemption (kg) (Column B<sup>1</sup>):*

The total quantity, in kilograms, of each class I substance produced *and shipped* under the global laboratory essential use exemption. (Submit certifications from distributors of laboratory supplies and individual laboratory customers for the quantity listed for each substance in Column B<sup>1</sup>.)

*Essential Use Exemption (Other than Global Laboratory) (kg) (Column B<sup>2</sup>):*

The total quantity, in kilograms, of each class I substance produced *and shipped* to a holder of essential-use allowances in the quarter. (Submit letter conferring rights to produce and certifying purchase for the essential use.)

*In-House Transformation (kg) (Column C):*

The total quantity, in kilograms, of each class I substance produced for in-house transformation during the quarter.

*Second-Party Transformation (kg) (Column D):*

The total quantity, in kilograms, of each class I substance produced for second-party transformation. (Submit the IRS certificate of intent to use the substance as a feedstock with the first sale to a company and list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column E):*

The total quantity, in kilograms, of each class I substance produced for in-house destruction.

*Second-Party Destruction (kg) (Column F):*

The total quantity, in kilograms, of each class I substance produced for second-party destruction. (A copy of the destruction verification from each company should accompany the report.)

*Article 5 Quarterly Production (kg) (Column G):*

The total quantity, in kilograms, of each class I substance produced explicitly for export to Article 5 countries during this quarter that will require expenditure of Article 5 allowances. Appendix C lists Article 5 countries.

*Total Production of Class I Substance (B+C+D+E+F=H) (kg) (Column H):*

The sum of the class I quantities produced, calculated by adding columns B, C, D, E, and F.

## **Section 3 - Allowance Expenditure Data**

3.1 Company Name: Name as it appears in Section 1.2.

- 3.2 Article 5 Yearly Balance Summary: Please supply this information for all substances for which the company holds Article 5 allowances.

*Chemical Name (Column A):*

The names of class I substances.

*Total Article 5 Allowances for Year to Date (as of end of quarter) (Column B):*

The quantity, in kilograms, of expended and unexpended Article 5 allowances.

## 2.3 IMPORTERS OF CLASS I SUBSTANCES

Importers of new class I substances are required to report to EPA. Section 82.13(g) and describes the regulatory requirements for recordkeeping and quarterly reporting of importation. They should also report blends and mixtures of class I substances. Terms such as "importer," "heel," "destruction," "transshipment," and "transform" are defined in the regulations (§82.3) and reproduced in Appendix E.

Importers of used class I substances need to petition EPA and the information required in the petition is described in §82.13(g)(2).

### 2.3.1 Recordkeeping Requirements

Section 82.13 (g)(1) describes in detail the recordkeeping requirements for importers of class I substances. These requirements are summarized below:

- The quantity of each class I substance imported, either alone or in mixtures, and the percentage of each mixture containing a class I substance;
- The quantity of each class I substance imported, either alone or in mixtures, that are used (including recycled or reclaimed);
- The quantity of class I substances excluding transshipments or used substances for use in processes resulting in their transformation or destruction;
- The date on which and the country from which the class I substances were imported;
- The port of entry of the class I substances;
- The commodity code for the class I substances shipped;
- The importer number for the shipment;
- A copy of the bill of lading;
- Import invoices;
- The U.S. Customs Summary Entry form;
- Dated records of the sale or transfer of class I substances for use in processes resulting in their transformation or destruction;
- Copies of IRS certifications confirming that the class I substances will be transformed or destruction verifications confirming its destruction;
- Dated records of the quantity of class I substances imported for an essential use; and
- Written certifications that the class I substances imported are for specific essential uses; are being purchased for essential laboratory and analytical applications; or are for the eventual sale to laboratories certifying that the class I substances are for essential use laboratory applications.

### 2.3.2 Reporting Requirements

The following list summarizes specific reporting requirements for various types of imports (§82.13(g)(4), §82.13(o-q)).

- Import for the Global Laboratory Essential Use Exemption  
Imports for the global laboratory essential use exemption should meet the stringent purity and packaging criteria described in Appendix G to Subpart A of 40 CFR Part 82.

Quarterly reports of total amounts imported under the global laboratory essential use exemption should be accompanied by a list of the distributors of laboratory supplies and the individual laboratories that purchased material and the amount requested by each during that quarter. In

addition, the report should be accompanied by copies of the certifications from distributors of laboratory supplies and laboratories that ordered the material. The certification should state that the class I substance was purchased solely for laboratory applications and will not be resold or used in manufacturing (§82.13(f)(3)(xii) and (xiii)).

- Imports for or by Holders of Essential-Use Allowances

Holders of essential-use allowances may import or confer to an importer, by letter, the right to import a specific quantity of a class I substance. The letter should also certify that the class I substance is imported solely for the specified essential use.

The person who imports should report quarterly the quantity of class I substances brought into the United States for (non-laboratory) essential uses. If imported for holders of essential-use allowances, the person should submit a list of essential use holders from whom orders were placed and the quantity of specific essential use substance requested and shipped. The importer should also submit a copy of the letter conferring the right to import the material and certifying its purchase solely for the specified essential use.

- Imports for In-House or Second-Party Transformation

Importers should report quarterly the quantities of class I substances imported for in-house and second-party transformation. Section 82.13(l) requires that a person who purchases class I substances for second-party transformation provide the importer with an IRS certification of intent to use the substance as a feedstock.

Copies of the IRS certificates of intent to use the class I substance as a feedstock should accompany the Importer Quarterly Report. For each purchaser, *only one copy* of the IRS certification need be provided as long as subsequent quantities shipped to that company are listed in each quarterly report.

- Imports for In-House or Second-Party Destruction

Importers should report quarterly the quantities of class I substances imported for in-house and second-party destruction. Section 82.13(k) requires the person who purchases class I substances for second-party destruction to provide the importer with verification that the class I substances will be used in processes that result in their destruction.

The importer quarterly report should be accompanied by copies of destruction verifications for quantities sold for second-party destruction.

- Imports of Used Class I Substances

Imports of used class I substances are reported separately in the Importer Quarterly Report.

- Imports of 'Heels'

A heel is any quantity of class I substance returning to the United States that is less than 10 percent of the volume of the container that was not unloaded or discharged from that container.

Imported heels are reported in each quarterly report. The importer should label their bill of lading or invoice indicating that the class I substance in the container is a heel. The importer of heels should submit certification that the material will either: (1) remain in the container and be included in a future shipment; (2) be recovered and transformed; (3) be recovered and destroyed, or (4) be recovered for a non-emissive use. The importer should also report on the final disposition of each shipment.

### 2.3.3 Form Instructions: Importer Quarterly Report (Form 1432.22-I)

The Importer Quarterly Report has four sections:

- Section 1 – Importing Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Import Data (company-wide)
- Section 4 – Allowance Expenditure Data

#### ***Section 1 - Importing Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year.
- 1.5 Importing Company: The name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

#### ***Section 2 - Transaction Records***

- 2.1 Company Name: Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Source Country:*

The country that exported the class I substance to the United States.

*Port of Exit from Source Country:*

Port city from which the class I substance was exported, as shown on the U.S. Customs Entry Summary Form 7501 or bill of lading.

*Quantity of Commodity Imported:*

The total quantity, in kilograms, of the commodity imported.

*Commodity Code of Shipment:*

The 10-digit code number in the Harmonized Tariff Schedule. The commodity codes for class I substances are designated by the U.S. Customs Service. The commodity codes for class I substances are listed below and in Appendix K to Subpart A of 40 CFR Part 82.

CFC-11 (trichlorofluoromethane).....	2903.41.0000
CFC-12 (dichlorodifluoromethane).....	2903.42.0000
CFC-113 (trichlorotrifluoroethane).....	2903.43.0000
CFC-114 (dichlorotetrafluoroethane).....	2903.44.0010
CFC-115 (chloropentafluoroethane).....	2903.44.0020
Halons (1211, 1301 & 2402).....	2903.46.0000
Mixtures with chlorofluorocarbons (CFCs) (such as R-500 and R-502).....	3824.71.0000
Mixtures, Other (one or more fully halogenated compounds, as defined in commodity codes listed above).....	3823.79.0000
Carbon Tetrachloride.....	2903.14.0000
Methyl Chloroform (1,1,1- trichloroethane).....	2903.19.6010
Organic Composite Solvents and Thinners (containing methyl chloroform or carbon tetrachloride).....	3814.00.5010

*Importer Number:*

The company's IRS number is usually used for identification. *Please ensure the number is a complete U.S. Customs Service Importer Number.* This number appears on the Customs Entry Summary Form 7501 as two digits, followed by a dash, then seven digits (e.g., 12-1234567).

*Class I Substance Imported:*

The class I substance using its common name, such as CFC-11, CFC-12, CFC-113. If the class I substance imported is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (i.e., "R-500 containing CFC-12").

*Quantity of Class I Substance Imported:*

The total quantity, in kilograms, of the class I substance imported. For pure class I substances, this will equal the quantity of the commodity imported. For mixtures containing class I substances, multiply the percentage of class I substance in the mixture by the quantity of commodity imported.

*Port of Entry into the U.S.:*

The U.S. port where the shipment landed.

*Date of Import:*

The import date, as shown in Block 27 of the U.S. Customs Entry Summary Form. The date of import is the date that the ship arrives at the port, or the truck or train enters the U.S.

*Customs Entry Summary Number:*

This number identifies the specific shipment (from block number 1 of U.S. Customs Form 7501). The Customs Entry Summary Number is generally three (3) letters followed by nine (9) digits.

*Intended Use:*

Check the box describing the intended use (Essential use, Transformation or Destruction).

*Transaction Type:*

Check the box describing the transaction type (Used or Heels).

**Section 3 - Company Import Data**

3.1 Company Name: Name of the company submitting the report, as in Section 1.5.

3.2 Company Import Totals:

*Chemical Name (Column A):*

The common names of the class I substances.

*Essential Uses (Column B):*

*Global Laboratory Use Exemption (kg) (Column B<sup>1</sup>)\*:*

The total quantity, in kilograms, of each class I substance imported during the quarter that meets the purity standards for laboratory applications. If the substance imported was a component of a mixture (e.g., the refrigerants R-500 or R-502), report only the amount of the class I substance in the mixture. (Submit the certification from a distributor of laboratory supplies or a laboratory for the quantity listed for each substance in Column B<sup>1</sup>).

*Other Essential Use Exemption (kg) (Column B<sup>2</sup>)\*:*

The total quantity, in kilograms, of each class I substance imported and sold using essential-use allowances either held or conferred. (Submit letters conferring essential-use allowances and certifying purchase for the specific essential use.)

*In-House Transformation (kg) (Column C)\*:*

The total quantity, in kilograms, of each class I substance imported for in-house transformation purposes.

*Second-Party Transformation (kg) (Column D)\*:*

The total quantity, in kilograms, of each class I substance imported and sold for second-party transformation. (Submit the IRS certificate of intent to use the substance as a feedstock for the first sale to a company in a control period and only list subsequent quantities sold to that company.)

*In-House Destruction (kg) (Column E)\*:*

The total quantity, in kilograms, of each class I substance imported for in-house destruction.

*Second-Party Destruction (kg) (Column F):*

The total quantity, in kilograms, of each class I substance imported and sold for second-party destruction purposes. (Submit the destruction verification letters.)

*Total Imports of Class I Substance (B+C+D+E+F=G) (kg) (Column G):*

The sum of the quantities listed in Column B<sup>1</sup>, B<sup>2</sup>, C, D, E, and F for each class I substance in the quarter.

*Total Imports of "Used" Class I Substance (kg) (Column H):*

The total quantity, in kilograms, of each used class I substance imported.

*Total Amount of "Heels" of Class I Substance (kg) (Column J):*

The total quantity, in kilograms, of each class I substance brought into the U.S. as a heel that is less than 10 percent of the volume of each container. (Submit the certification that the heel will be treated as required in 82.13(r)).

\* NOTE: If the substance is a component of a mixture, report only the amount of the class I substance in the mixture.

#### ***Section 4 - Allowance Expenditure Data***

4.1 Company Name: Name of the company submitting the report, as in Section 1.5.

4.2 Yearly Balance Summary of Allowances: This information should be supplied for all substances for which the company holds consumption allowances.

*Chemical Name (Column A):*

The common names of class I substances.

*Total Consumption Allowances for Year to Date (as of end of quarter) that were (Column B):*

The total sum of expended and unexpended consumption allowances by chemical for the control period to date.

## 2.4 ESSENTIAL USE HOLDERS AND LABORATORY SUPPLIERS

A final rule published December 31, 2002 (67 FR 79861) updated the reporting requirements for holders of essential-use allowances, as previously established in July 1, 2002 revision of 40 CFR 82. The term “essential-use allowances” is defined in the regulations (§82.3) and reproduced in Appendix E.

### 2.4.1 Recordkeeping Requirements

There are no recordkeeping requirements for companies with allocated essential-use allowances. Likewise, there are no recordkeeping requirements for distributors of laboratory supplies. However, EPA recommends that companies placing orders for ozone-depleting substances with producers or importers for essential uses or for distribution to laboratories maintain copies of their certification letters, the original order/invoice, and other documents verifying shipment and receipt of the material.

### 2.4.2 Reporting Requirements

Companies allocated essential-use allowances and distributors of laboratory supplies should report to EPA. Section 82.13(s-x) describes the regulatory requirements for quarterly reporting for companies allocated essential-use allowances.

The following list summarizes specific reporting requirements for holders of essential-use allowances and laboratory supply distributors, respectively.

- Companies allocated Essential-Use Allowances  
Essential-use allowance holders should report quarterly on the quantity of each class I substance received from each producer or importer during the quarter as well as the country from which the class I substance was imported.

Holders of essential-use allowances should also report annually, submitting to the Administrator a report within *30 days* of the end of the control period, and, if possible, within 20 days of the end of the control period. The Distributor Annual Report is attached as Section 5 to the Essential Use Holder and Laboratory Supplier Report. Holders of essential-use allowances should report annually on the quantities, in kilograms, of each class I substance used for the essential uses, contained in exported products, and destroyed or recycled. Essential-use allowance holders should also submit the quantities of each class I substance, in kilograms, on hand at the end of the year that were acquired with essential-use allowances in all control periods, and stockpiled quantities produced or imported through the use of production and consumption allowances prior to the phaseout. The quantities in a stockpile are either owned by a company or are being held on behalf of a company under contract.

Additionally, holders of essential-use allowances for metered-dose inhalers should report the total number of marketable units of each specified metered-dose inhaler product manufactured during the year.

- *Distributors of Laboratory Supplies*

A distributor that purchased laboratory supplies under the global laboratory essential use exemption should submit the quantity supplied to each lab during the quarter. The *Laboratory Certification Report* should also be submitted if it is the first order placed by that lab for each specific class I substance under the global laboratory essential use exemption (see Section 2.5).

The distributor should submit annually the quantity of each class I substance purchased by each laboratory customer whose certification was previously provided to the distributor. The Distributor Annual Report is attached as Section 5 to the Essential Use Holder and Laboratory Supplier Report.

### **2.4.3 Form Instructions: Essential Use Holder and Laboratory Supplier Quarterly Report (Form 1432.22-EU)**

The Essential Use Holder and Laboratory Supplier Report has five sections. The first four sections comprise the Quarterly Report, while the fifth section comprises the Annual Report.

Section 1 – Company Identification

Section 2 – Amounts Received from Producers/Importers

Section 3 – Amounts Supplied to Labs

Section 4 – Distributor Totals

Section 5 – Distributor Annual Report

#### ***Section 1 - Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in all parts of the report.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Quarter and Year to which this Report Applies: Check the appropriate box and enter the appropriate year. If the fourth quarter is selected, Section 5 of the reporting form should also be completed and submitted.
- 1.5 Company Information: Name of the reporting company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.6. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Amounts Received from Producers / Importers***

- 2.1 **Company Name:** Company submitting the Importer Quarterly Report, as in Section 1.5.
- 2.2 **Transaction Summaries:** Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. This form may be reproduced as needed to obtain sufficient blank copies.

***Source Company:***

The company name from whom the material was received.

***Street Address:***

The business address of the company from whom the material was received.

***City:***

The city of the source company.

***State (U.S.) or Country:***

The state of the source company if the material was produced in the United States or the country of the source company if the material was imported.

***Zip Code (U.S.):***

The postal code of the source company if the material was produced in the United States.

***Chemical Name of Class I Substance Received:***

The common name of the substance received such as CFC-11 or CFC-12. If the substance is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (e.g., "R-500 containing CFC-12").

***Quantity of Class I Substance Received (kg):***

The total quantity, in kilograms, of the class I substance received.

## ***Section 3 - Amounts Supplied to Labs***

- 3.1 **Company Name:** Company submitting the Importer Quarterly Report, as in Section 1.5.
- 3.2 **Transaction Summaries:** Enter "1" for first transaction of the quarter and proceed with "2," "3," and so on, for additional transactions. This form may be reproduced as needed to obtain sufficient blank copies. *If it is the first order placed by a lab for a specific chemical, the report should be accompanied by the "Laboratory Certification Report."*

***Lab Company:***

The lab name and address to whom the material was supplied.

***Street Address:***

The business address of the company to whom the material was supplied.

***City:***

The city of the lab company.

*State:*

The state of the lab company.

*Zip Code:*

The postal code of the lab company.

*Chemical Name of Class I Substance Supplied to Lab:*

The common name of substance supplied to lab such as CFC-11 or CFC-12. If substance is a component of a blend or a mixture, identify both the blend and the class I substance(s) in the blend (e.g., "R-500 containing CFC-12").

*Quantity of Class I Substance Supplied to Lab (kg):*

The total quantity, in kilograms, of the class I substance supplied to the lab.

**Section 4 - Distributor Totals**

4.1 Company Name: The distributing company submitting the Essential Use Holder and Laboratory Supplier Report, as in Section 1.5.

4.2 Company Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Total Quantity of Class I Substance Received (kg) (Column B):*

The total quantity, in kilograms, of each class I substance that the submitting company received in the quarter, either from a producer or importer.

*Total Quantity of Class I Substance Supplied to Labs (kg) (Column C):*

The total quantity, in kilograms, of each class I substance supplied to labs in the quarter.

**Section 5 - Distributor Annual Report**

5.1 Distributor Name: The distributing company submitting the Essential Use Holder and Laboratory Supplier Report, as in Section 1.5.

5.2 Company Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Purchased by Laboratory Customers (kg) (Column B):*

The total quantity, in kilograms, of each class I substance that the distributing company sold to laboratory customers during the year.

*Essential Uses (kg) (Column C):*

The total quantity, in kilograms, of each class I substance that was used for the essential use during the year.

*In Exported Products (kg) (Column D):*

The total quantity, in kilograms, of each class I substance that was contained in exported products during the year.

*Destroyed or Recycled (kg) (Column E):*

The total quantity, in kilograms, of each class I substance that was destroyed or recycled during the year.

*In Inventory (kg) (Column F):*

The total quantity, in kilograms, of each class I substance, acquired with essential-use allowances in all years, that was held in inventory as of the last day of the control period.

*Stockpiled (kg) (Column G):*

The total quantity, in kilograms, of each class I substance, produced or imported with production and consumption allowances prior to the phaseout, in a stockpile owned by the company or on behalf of the company under contract.

*Marketable Units (MDIs Only) (kg) (Column H):*

The total number marketable units of each specific metered-dose inhaler product manufactured during the year. Only holders of essential-use allowances for metered-dose inhalers are required to complete this column.

## **2.5 ESSENTIAL USE EXEMPTION FOR LABORATORY AND ANALYTICAL APPLICATIONS**

### **2.5.1 Recordkeeping Requirements**

There are no recordkeeping requirements for labs that purchase class I substances. However, EPA recommends that each lab maintain order forms, invoices, certifications and receipts for each shipment of class I substances received each year.

### **2.5.2 Reporting Requirements**

Labs purchasing class I substances should certify to the company from whom they are purchasing the material, one-time-per-year for each substance, that the material will be used solely for laboratory applications and not be resold or used in manufacturing. Specific reporting requirements, listed in the 40 CFR Part 82 under §82.13(w), are reproduced in *Form 1432.22-L* for the convenience of reporting companies.

The certification report should include the name of the laboratory customer and address, and a contact name and phone number for the customer. The certification from the lab should also identify the percent of the total quantity ordered that will be used for each type of laboratory application (e.g., reaction solvent, diluent for drug purity testing, reference chemical). Included in this form are categories of laboratory applications.

EPA is required to collect the lab certification information to meet United States reporting obligations under the international agreement of the Montreal Protocol. The reports will provide an estimate of the total quantity of class I substances used in various laboratory applications.

### **2.5.3 Form Instructions – Laboratory Certification Report (Form 1432.22-L)**

The Laboratory Certification Report has three sections:

- Section 1 – Laboratory Identification
- Section 2 – Substance Identification and Use
- Section 3 – Supplier Identification

#### ***Section 1 - Laboratory Identification***

- 1.1 Date of Submission: Date the report is submitted to the supplier of the class I substances.
- 1.2 Number of Class I Substances Reported: The number of individual class I substances reported to the supplier.
- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Laboratory Information: Name of the company and the business address of the contact person for the report.
- 1.5 Laboratory Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by the supplier to answer questions concerning the report.

- 1.6 Signature of Reporting Laboratory Representative: Company official who is certifying that the material is being purchased solely for laboratory applications and will not be resold or used for manufacturing, and attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

### ***Section 2 - Substance Identification and Use***

- 2.1 Lab Name: Name of the lab submitting the report, as in Section 1.4.
- 2.2 Class I Substance: Check one box to certify the specific laboratory applications for a class I substance purchased. Separate copies of Section 2 may be submitted for each class I substances purchased. Reproduce the blank form as needed.
- 2.3 Amount of Class I Substance (kg): The total quantity of the class I substance, in kilograms, specified in Section 2.2 that was purchased for the first time in a control period.
- 2.4 Laboratory Applications: Check the boxes corresponding to the applications for which the specified class I substance will be used, and indicate the percent used for each application.

EXAMPLE: A lab purchases 100 kilograms of CFC-113 from a distributor of laboratory supplies. The lab estimates that 80 kilograms will be used as a "diluent," 10 kilograms as a "separation media," and 10 kilograms as "chemical reference."

### ***Section 3 - Supplier Identification***

- 3.1 Supplier Name: Name of the distributor of the class I substance (the name of the supplying company from whom the material specified in Section 2.2 is being purchased).

## 2.6 NOTIFICATION OF ARTICLE 5 OR ESSENTIAL-USE ALLOWANCE TRANSFERS

Holders of Article 5 allowances may transfer allowances for a specific control period through transfers with another Party to the Protocol. Essential-use allowance holders may increase or decrease their essential-use allowances for CFCs with a metered dose inhaler company solely for the manufacture of essential metered dose inhalers (MDIs). Section 82.12 describes the regulatory requirements for quarterly reporting for companies increasing or decreasing allowances for a specific control period through transfers with another Party to the Protocol.

Terms such as “Article 5 allowances” and “essential-use allowances” are defined in the regulations (§82.3) and reproduced in Appendix E.

A producer may increase or decrease its Article 5 allowances or essential-use allowances for the manufacture of MDIs for a specific control period through transfers with another producer. The following list summarizes information on various types of transfers.

- Article 5 Allowances  
Under the rule, a company that intends to transfer Article 5 allowances to another company or to another chemical should submit a transfer claim to EPA before the transfer takes place. A company can increase its Article 5 allowances by receiving a transfer from another Party to the Protocol; a company may also decrease its balance of unexpended Article 5 allowances by transferring them to a Party to the Protocol.
- Essential-Use Allowances for the Manufacture of Essential MDIs  
Similarly, a company that intends to transfer essential-use allowances for the manufacture of essential MDIs to another company should submit a transfer claim to EPA before the transfer takes place. A company can increase its essential-use allowances for the manufacture of essential MDIs by receiving a transfer from another Party to the Protocol; a company may also decrease its balance of unexpended essential-use allowances for the manufacture of essential MDIs by transferring them to another Party to the Protocol.

*Form 1432.22-T* is designed to facilitate Agency review of a transfer request. Section 82.12(a)(i) of the rule presents the reporting requirements applicable to the transfer claim. A company should complete a transaction summary for each transfer involving a different chemical or a different transferee. EPA will review the transfer claim within three working days of receiving it and respond with either (1) a "no objection" notice, if according to EPA's records, the transferring company has sufficient allowances to cover the trade, or (2) a "disallowance" notice, if the transferring company does not have sufficient allowances. If EPA does not act upon the transfer within the three-day review period, the transferring companies may proceed with the transaction. In cases where the Agency issues a notice of no objection or fails to respond expeditiously, if EPA later determines that insufficient allowances existed to cover the transfer, the companies may face enforcement actions.

The Agency assesses an offset of one percent of the total amount transferred and subtracts the offset from the balance of the company trading away the allowances. This offset applies only to inter-company and inter-pollutant trades (but not both if done in the same transaction). The offset does not apply to transfers of allowances to or from companies in countries that are Parties to the Montreal Protocol.

## 2.6.1 Recordkeeping Requirements

There are no recordkeeping requirements for companies notifying the Agency of an Article 5 transfer or a transfer of essential-use allowances for the manufacture of MDIs.

## 2.6.2 Form Instructions: Notification of Article 5 or Essential-Use Allowance Transfers (Form 1432.22-T)

The form for Notification of Article 5 or Essential-Use Allowance Transfers has three sections:

- Section 1 – Transferor Identification
- Section 2 – Transaction Record
- Section 3 – Unexpended Balance Summary

### *Section 1 - Transferor Identification*

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Number of Transactions Reported: Total number of individual transactions reported in Section 2.
- 1.3 Number of Pages Submitted: Total number of pages in the report, including transaction summary pages.
- 1.4 Company Information: The name of the company transferring the allowances and the business address of the contact person for the report.
- 1.5 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.6 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

### *Section 2 - Transaction Record*

Companies notifying EPA of trades in Article 5 and/or Essential-Use Allowance transfers should complete this section for each transfer (transaction). Reproduce blank copies of Section 2 if needed. Enter "1" for first transaction of the quarter and proceed with "2", "3", and so on, for additional transactions.

For each transaction, complete the form as follows:

#### 2.1 Transferee Identification:

*Transferee Company Name:*

Name and address of the transferee company (the company receiving allowances as a result of the trade).

*Transferee Contact Person:*

Identify a contact person and provide an address and telephone and fax numbers. If the company is conducting an inter-pollutant transfer (i.e., trading allowances internally between two class I substances), the transferee company will be the same company identified in Section 1.5.

*Are Article 5 or essential-use allowances being Transferred?*

Check the appropriate box.

- 2.2 Type of Allowances Transferred: Check only one box to identify the type of allowances being transferred. A transfer of current year allowances is only for the current control period. A transfer of baseline allowances *permanently* reduces the number of Article 5 allowances that the transferor will receive in future allocations.
- 2.3 Chemical Transferring From: The common name of the class I substance that is having its allowances reduced as a result of the transfer (e.g., CFC-11).
- 2.4 Ozone Depletion Potential (ODP): The ozone depletion potential of the chemical listed in Section 2.3. ODPs of the class I substances are listed in Appendix B.
- 2.5 Amount of Allowances of Chemical in Section 2.3 Being Transferred (kg): The total quantity, in kilograms, of allowances of the chemical listed in Section 2.3 that are being transferred.
- 2.6 Calculated Level of Chemical in Section 2.3 Being Transferred: Transfers of substances are made on the basis of calculated level. The calculated level of a quantity of class I substance is equal to its mass in kilograms multiplied by its ozone depletion potential (ODP), a measure of the substance's ability to destroy stratospheric ozone. Calculate the calculated level of the chemical being transferred by multiplying the ODP listed in Section 2.4 by the quantity transferred listed in Section 2.5; report the result in Section 2.6.
- 2.7 Chemical Transferring To: The common name of the class I substance which will have its balance of allowances increased as a result of the trade (e.g., CFC-11).
- 2.8 Ozone Depletion Potential (ODP): The ODP of the chemical listed in Section 2.7. ODPs of the class I substances are listed in Appendix B.
- 2.9 Amount of Allowances of Chemical in Section 2.7 Being Received (kg): The total quantity, in kilograms, of allowances received is equal to the calculated level of allowances being transferred divided by the ODP of the chemical that is having its allowances increased as a result of the trade. Calculate the number of allowances being received by dividing the calculated level reported in Section 2.6 by the ODP listed in Section 2.8.
- 2.10 Amount of Offset (kg): The amount of offset is calculated by multiplying the amount listed in Section 2.5 by 0.01.
- 2.11 Amount of Allowances Subtracted from Transferor's Balance of Chemical Being Transferred (kg): Calculate the amount of allowances that are to be subtracted from the transferor's balance of the chemical listed in Section 2.3 by adding together Sections 2.5 and 2.10.

### ***Section 3 - Unexpended Balance Summary***

- 3.1 Balance of Unexpended Allowances Prior to Transfers Reported: For each chemical involved in the transfer, report the company's balance of unexpended allowances before the transfer.

*Chemical Name (Column A):*

The common names of class I substances.

*Balance of Unexpended Article 5 Allowances (Column B):*

The unexpended Article 5 allowances held by the transferor within the production limit of that class I substance.

*Balance of Unexpended Essential-Use Allowances for CFC use in Essential MDIs (Column C):*

The unexpended production allowances held by the transferor within the production limit of that class I substance.

## 2.7 USED CLASS I SUBSTANCES - PETITION TO IMPORT

A final rule published December 31, 2002 (67 FR 79861), clarified and updated the petition process for imports of *used* class I substances as previously established in 40 CFR 82. The term “used controlled substances” is defined in the regulations (§82.3) and reproduced in Appendix E.

An importer needs to petition EPA to import each individual shipment over 5 pounds of used class I substances, at least 40 working-days before the shipment is to leave the country of export. The 40 working-day period begins on the day following the date that the Stratospheric Ozone Protection Program receives the petition. Petitions may be faxed, sent by certified mail, express service, or regular mail to the Refrigerant Recycling Program Manager at the Stratospheric Program Implementation Branch as listed in Part 1 of this Guidance Document.

If EPA issues an objection letter, the importer has up to 10 working days to re-petition if EPA indicated “insufficient information” as the basis for the objection notice. If EPA issues a non-objection letter, a copy of the non-objection letter and the petition should accompany the shipment through U.S. Customs. The approved used class I substances should be imported within the same control period as the date stamped on the non-objection notice.

### 2.7.1 Petition Information Requirements

Section 82.13(g)(2)-(3), updated in the December 31, 2002 rule, describes the information requirements for petitioners in detail. There is no recommended EPA petition form. The petition may be in any format as long as it includes the following information:

- Name and quantity of the used class I substance, in kilograms, to be imported (including material that has been recycled or reclaimed);
- Name and address of the importer, the importer I.D. number, phone number, fax number, and the name of the contact person;
- Name and address, contact person, phone and fax numbers of all previous source facilities from which the used class I substance was recovered;
- A detailed description of the previous use of the class I substance at each source facility and a best estimate of when the specific class I substance was put into the equipment including any documentation indicating such dates;
- A list of the name, make, and model of the equipment from which the material was recovered at each source facility;
- Name, address, contact person, and phone and fax number of the exporter and/or foreign owner of the material;
- U.S. port of entry for the import, the expected date of shipment, and the name of the vessel transporting the chemical;
- Intended future use of the used class I substance including the name, address, contact person, and phone and fax number of the ultimate U.S. purchaser, if known;
- Name, address, contact person, and phone and fax number of the U.S. reclamation facility, where applicable;
- Name of the person who recovered the class I substance from equipment at the source facility.
- Name, address, contact person, and phone and fax number of all foreign reclamation facilities responsible for reclaiming the cited shipment, if any;
- An export license from the appropriate government agency in the country of export and, if recovered in another country, the export license from that country;

- Name and address of the U.S. reclaimer bringing the material to CAA specifications if the used class I substance is to be sold as a refrigerant in the United States.; and
- A certification of the accuracy of the information submitted in the petition.

In evaluating a petition, EPA determines whether a class I substance to be imported is, in fact, previously used. In order to independently verify the previous use of the class I substance, EPA requests information on a contact person in the foreign country, including telephone and fax numbers. In addition, EPA requests a detailed description of the source facility (facilities) and the specific equipment from which the class I substance was recovered. This information ensures U.S. compliance under the Montreal Protocol.

Pursuant to the final rule published December 31, 2002 (67 FR 79861), EPA is no longer requiring that companies certify knowledge of tax liability as part of the petition process. Instead, EPA is deferring interpretation of regulatory requirements regarding excise taxes for class I substances to the Internal Revenue Service (IRS). More information on excise taxes can be found on the IRS website at <http://www.irs.gov/formspubs/page/0,,id%3D80193,00.html>.

### **2.7.2 Recordkeeping Requirements**

Section 82.13(g)(3)(viii) describes the recordkeeping requirements for companies receiving non-objection notices. The records that should be maintained by all companies approved to import used class I substances are summarized below:

- A copy of the petition;
- EPA non-objection notice;
- Bill of lading for the import; and
- U.S. Customs entry documents for the import including the commodity code of the used class I substance approved for import.

For more information on the imports of class I substances, please read the fact sheet, [Black Market CFCs and You – A Criminal Combination](#).

## 2.8 EXPORTERS OF CLASS I SUBSTANCES

Exporters of class I substances are required to report annually to EPA. Section 82.13(h) describes the regulatory requirements for recordkeeping and annual reporting of exports. Exporters should send the report to EPA within 45 days after the end of the control period (December 31<sup>st</sup>). Export(s) of blends and mixtures of class I substances are also considered exports under the regulations and are subject to reporting. Terms such as “exporter,” “destruction,” and “transform” are defined in the regulations (§82.3) and in Appendix E.

The exporter is the company that owns the class I substances when they are exported, not necessarily the person that places them on the ship or in the truck. Generally, the Agency will accept the exporter's business invoice as proof that the company had contracted to sell or transfer the class I substance to a foreign entity. On-board bills of lading are also necessary to verify that the export occurred. The U.S. Export Declaration Form may be substituted for the bill of lading.

The regulation applies only to exports of bulk containers of class I substances, and not to exports of products or use systems that contain class I substances.

### 2.8.1 Recordkeeping Requirements

There are no recordkeeping requirements for exporters. However, EPA recommends that companies exporting class I substances maintain copies of invoices and bills of lading for each shipment.

### 2.8.2 Reporting Requirements

In general, information provided about the recipient should pertain to the location of the plant where the class I substance is to be used, rather than the location of the corporate headquarters. For purposes of the Stratospheric Ozone Protection Program, the destination is defined as the ultimate destination of the export, rather than any transit destinations.

The following list summarizes annual reporting requirements for various types of exports:

- *Exports for In-House or Second-Party Transformation and Destruction*  
Section 82.13(h)(1)(viii) requires a sales contract certifying that the class I substance that was exported to a Party to the Protocol is intended for transformation or destruction.

### 2.8.3 Form Instructions: Exporter Annual Report (Form 1432.22-E)

The Exporter Annual Report has three sections:

- Section 1 – Exporting Company Identification
- Section 2 – Transaction Records
- Section 3 – Company Export Totals

#### *Section 1 - Exporting Company Identification*

1.1 Date of Submission: Date the report is submitted to EPA.

- 1.2 Number of Transactions Reported: The number of individual class I substances exported during the control period.
- 1.3 Number of Pages Submitted: Total number of pages in the report.
- 1.4 Year to Which This Report Applies: Enter the appropriate year for which this report applies. The year entered may or may not correspond with the date the report is submitted to EPA.
- 1.5 Exporting Company Information: Name of the company and the business address of the contact person for the report.
- 1.6 Company Contact Identification: Name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.
- 1.7 Signature of Reporting Company Representative: Company official who is attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.5. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transaction Records***

- 2.1 Company Name: Name of the company submitting the report, as in Section in 1.4.
- 2.2 Transaction Summaries: Enter "1" for first transaction of the control period and proceed with "2," "3," and so on, for additional transactions. Reproduce this page as needed to obtain sufficient blank spaces for additional transactions.

*Recipient Company Name:*

The company receiving the class I substance.

*Street Address:*

The business address of the recipient company.

*City:*

The city of the recipient company.

*Country:*

The country to which the class I substances were exported.

*Postal Code:*

The postal code of the recipient company.

*Article 5 Country:*

Check the box if the recipient company is located in an Article 5 country. Appendix C lists Article 5 countries.

*Company Contact Person:*

The name of a contact person employed at the recipient company, his/her telephone number, and facsimile number.

*Commodity Code of Shipment:*

The 10-digit code number as identified in the Harmonized Tariff Schedule. Commodity codes are designated by the U.S. Customs Service for the class I substances. The commodity codes for class I substances are as follows:

CFC-11 (trichlorofluoromethane).....	2903.41.0000
CFC-12 (dichlorodifluoromethane).....	2903.42.0000
CFC-113 (trichlorotrifluoroethane).....	2903.43.0000
CFC-114 (dichlorotetrafluoroethane).....	2903.44.0010
CFC-115 (chloropentafluoroethane).....	2903.44.0020
Halons (1211, 1301 & 2402).....	2903.46.0000
 Mixtures with chlorofluorocarbons (CFCs) (such as R-500 and R-502).....	 3824.71.0000
 Mixtures, Other (one or more fully halogenated compounds..... as defined in commodity codes listed above)	 3823.79.0000
 Carbon Tetrachloride.....	 2903.14.0000
 Methyl Chloroform (1,1,1- trichloroethane).....	 2903.19.6010
 Organic Composite Solvents and Thinners (containing methyl chloroform or carbon tetrachloride).....	 3814.00.5010

*Quantity of Commodity Exported (kg):*

The total quantity, in kilograms, of the commodity exported.

*Class I Substance Exported:*

Name of the class I substance exported, such as CFC-11 or CFC-12.

*Quantity of the Class I Substance Exported (kg):*

The total quantity, in kilograms, of the class I substance exported. For pure class I substances, this will equal the quantity of the commodity imported. For mixtures containing class I substances, multiply the percentage of class I substance in the mixture by the quantity of commodity imported.

*Date of Export:*

Date of the export as it appears on the bill of lading.

*Port of Export from the U.S.:*

Port in the U.S. where the class I substance was loaded on the exporting vessel.

*Exporter EIN Number from Customs Form 7525:*

The "Employer Identification Number" (EIN) shown on the Shipper's Export Declaration Form. This number may or may not refer to the exporter as defined by EPA. If a shipping agent is acting on behalf of the exporter as defined by the regulation, the EIN of the agent shown on the U.S. Customs Form 7525 should be reported here.

*Type of Export:*

Check the box (transformation, destruction, or Article 5) that applied to the specific transaction.

***Section 3 - Company Export Totals***

A separate Section 3 should be completed for each class I substance. Reproduce the blank form as needed.

For each transaction summary, provide the following information:

3.1 Company Name: Name of the reporting company, same as in Section 1.4.

3.2 Transaction Summaries: Check one class I substance for each sheet.

List the total quantity (in kilograms) of the specified class I substance in the check-off box and the country to which it was exported during the control period.

## **2.9 SECOND-PARTY TRANSFORMATION AND SECOND-PARTY DESTRUCTION - RECORDKEEPING AND REPORTING REQUIREMENTS**

Second-party transformers or second-party destroyers are required to report to EPA. Section 82.13 (k-m) describes the recordkeeping and regulatory requirements for annual reporting of second-party transformation and second-party destruction.

### **2.9.1 Recordkeeping Requirements**

Section 82.13(k) requires that second-party destroyers of class I substances provide the producer or importer from whom they purchase material with a verification that the class I substances will be used in processes that result in their destruction. If any aspects of this verification change, at any time, the person should submit a revised verification reflecting such changes to the producer from whom the person purchased class I substances intended for destruction.

Section 82.13(l) requires that second-party transformers of class I substances should provide the producer or importer from whom they purchase material with an IRS certification that the class I substances will be used in processes resulting in their transformation.

### **2.9.2 Reporting Requirements**

Producers and importers that sell class I substances for second-party transformation or second-party destruction should inform their customers of EPA's annual reporting requirement. As explained in §82.13(m), a company purchasing class I substances for transformation or destruction is required to report to EPA within 45 days of the end (December 31st) of the control period in which the substances were purchased.

### **2.9.3 Form Instructions: Annual Report of Second-Party Transformation and Second-Party Destruction (Form 1432.22-SP)**

The Annual Report of Second-Party Transformation and Second-Party Destruction has two sections:

- Section 1 – Company Identification
- Section 2 – Transformation and Destruction Summary

#### ***Section 1 - Company Identification***

- 1.1 Date of Submission: Date the report is submitted to EPA.
- 1.2 Year to Which This Report Applies: Enter the appropriate year for which this report applies. The year entered may or may not correspond with the date the report is submitted to EPA.
- 1.3 Company Information: Name of the reporting company and the business address of the contact person for the report.
- 1.4 Company Contact Identification: The name, telephone number, and fax number of the company official who may be contacted by EPA to answer questions concerning the report. In general, this should be the same person for all reports submitted under the Stratospheric Ozone Protection Program.

- 1.5 Signature of Reporting Company Representative: Company official attesting to the accuracy of the report should complete and sign this section. This may or may not be the company contact person identified in Section 1.3. The person signing the form should read the "certification" that the information on the form is accurate.

## ***Section 2 - Transformation and Destruction Summary***

- 2.1 Company Name: Name of the reporting company, same as in Section 1.2.

- 2.2 Transformation and Destruction Totals:

*Chemical Name (Column A):*

The common names of class I substances.

*Second-Party Transformation of Class I Substance (kg) (Column B):*

The total quantity, in kilograms, of each substance that was transformed (second-party) in the calendar year (control period).

*Second-Party Destruction of Class I Substance (kg) (Column C):*

The total quantity, in kilograms, of each class I substance that was destroyed (second-party) in the calendar year (control period).